

City of Round Rock
Regular City Council Meeting
August 13, 2009

The Round Rock City Council met in Regular Session on Thursday, August 13, 2009, in the City Council Chamber, 221 E. Main Street.

[CALL SESSION TO ORDER - 7:00 P.M.](#)

Mayor McGraw called the meeting to order at 7:04 p.m.

[ROLL CALL](#)

Those members present were Mayor Alan McGraw, Mayor Pro-Tem Joe Clifford, Councilmember Rufus Honeycutt, Councilmember George White, Councilmember Carlos Salinas, Councilmember John Moman, and Councilmember Kris Whitfield. Also present were City Manager, Jim Nuse, Assistance City Manager/CFO David Kautz, Assistant City Manager Cindy Demers and City Attorney Steve Sheets. No one was absent from this meeting.

[PLEDGE OF ALLEGIANCE:](#)

Mayor McGraw led the following pledges of allegiance:

3A. United States Flag

3B. Texas State Flag

[CITIZEN COMMUNICATION](#)

Susan Merrick, 1715 Cattle Drive, Cedar Park, Texas, spoke to the City Council as a representative of AT&T and informed them that the City Channel will appear on AT&T U-Verse Channel 99, beginning August 24th.

[CONSENT AGENDA: All items listed with an asterisk \(*\) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Council member in which event the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.](#)

*6A. Consider approval of the City Council minutes for July 23, 2009.

*9A1. Consider an ordinance granting a franchise to IESI Corporation to engage in garbage collection within the City. (Second Reading)

*9A2. Consider an ordinance granting a franchise to Texas Disposal Systems, Inc. to engage in garbage collection within the City. (Second Reading)

*9A3. Consider an ordinance granting a franchise to Allied Waste to engage in garbage collection within the City. (Second Reading)

*9A4. Consider an ordinance granting a franchise to Central Texas Refuse, Inc. to engage in garbage collection within the City. (Second Reading)

*10A1. Consider a resolution authorizing property tax refunds to Prologis Trust for 2007 and 2008 taxes totaling \$34,627.20.

MOTION: Councilmember Honeycutt moved to approve the consent agenda. Councilmember Moman seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*6A. Consider approval of the City Council minutes for July 23, 2009. This item was approved under the consent agenda.

PRESENTATIONS:

7A1. Consider a presentation regarding an update on the condition of the City’s water supply sources. Michael Thane, Utility Director made the staff presentation.

PUBLIC HEARINGS:

8A1. Consider public testimony regarding the proposal to amend Chapter 11, Section 11.415.2, Code of Ordinances, the PF-3 (Public Facilities - High Intensity) zoning district, to allow limited eating establishments and retail sales uses within the Southwest Downtown Plan Area.

Mayor McGraw opened the public hearing for testimony.

There being none, the public hearing was closed.

ORDINANCES:

*9A1. Consider an ordinance granting a franchise to IESI Corporation to engage in garbage collection within the City. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A FRANCHISE TO IESI CORPORATION TO ENGAGE IN THE COLLECTION OF SPECIFIED WASTE MATERIALS FROM NON-RESIDENTIAL ESTABLISHMENTS WITHIN THE CITY OF ROUND ROCK, TEXAS; ESTABLISHING FRANCHISE FEES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*9A2. Consider an ordinance granting a franchise to Texas Disposal Systems, Inc. to engage in garbage collection within the City. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A FRANCHISE TO TEXAS DISPOSAL SYSTEMS TO ENGAGE IN THE COLLECTION OF SPECIFIED WASTE MATERIALS FROM NON-RESIDENTIAL ESTABLISHMENTS WITHIN THE CITY OF

ROUND ROCK, TEXAS; ESTABLISHING FRANCHISE FEES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*9A3. Consider an ordinance granting a franchise to Allied Waste to engage in garbage collection within the City. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A FRANCHISE TO ALLIED WASTE TO ENGAGE IN THE COLLECTION OF SPECIFIED WASTE MATERIALS FROM NON-RESIDENTIAL ESTABLISHMENTS WITHIN THE CITY OF ROUND ROCK, TEXAS; ESTABLISHING FRANCHISE FEES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*9A4. Consider an ordinance granting a franchise to Central Texas Refuse, Inc. to engage in garbage collection within the City. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A FRANCHISE TO CENTRAL TEXAS REFUSE TO ENGAGE IN THE COLLECTION OF SPECIFIED WASTE MATERIALS FROM NON-RESIDENTIAL ESTABLISHMENTS WITHIN THE CITY OF ROUND ROCK, TEXAS; ESTABLISHING FRANCHISE FEES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

9B1. Consider an ordinance amending Chapter 11, Section 11.415.2, Code of Ordinances, the PF-3 (Public Facilities - High Intensity) zoning district, to allow limited eating establishments and retail sales uses within the Southwest Downtown Plan Area. (First Reading)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11, SECTIONS 11.415.2 AND 11.802, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS REGARDING SOUTHWEST DOWNTOWN USES IN PUBLIC FACILITIES – HIGH INTENSITY DISTRICT; AND TO ADD THE DEFINITION OF “SOUTHWEST DOWNTOWN AREA”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Salinas moved to approve the ordinance. Mayor Pro-tem Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

MOTION: Councilmember Honeycutt moved to dispense with second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[9C1. Consider an ordinance adopting a budget for the Self-Funded Health Insurance Fund for FY2008-2009. \(First Reading\)\(Requires Two Readings\)](#) Cheryl Delaney, Finance Director, made the staff presentation.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A BUDGET FOR THE SELF-FUNDED HEALTH INSURANCE FUND FOR THE 2008-2009 FISCAL YEAR.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Mayor Pro-tem Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[9C2. Consider an ordinance adopting Amendment No. 1 to the FY2008-2009 Operating Budget. \(First Reading\)\(Requires Two Readings\)](#) Cheryl Delaney, Finance Director, made the staff presentation.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENT NO. 1 TO THE OPERATING BUDGET OF THE CIYT OF ROUND ROCK, TEXAS FOR FISCAL YEAR 2008-2009.

MOTION: Councilmember Whitfield moved to approve the ordinance. Councilmember Moman seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[9C3. Consider an ordinance amending the wholesale water and wastewater rates. \(First Reading\)\(Requires Two Readings\)](#) Cheryl Delaney, Finance Director, made the staff presentation.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, SECTIONS 10.201 AND 10.202, CODE OF ORDINANCE (1995 EDITION), CITY OF ROUND ROCK, TEXAS REGARDING RATES FOR WATER AND SEWER SERVICE TO WHOLESALE CUSTOMERS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to approve the ordinance. Councilmember Moman seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
Nays:	None
Absent:	None

ACTION: The motion carried unanimously.

RESOLUTIONS:

*10A1. Consider a resolution authorizing property tax refunds to Prologis Trust for 2007 and 2008 taxes totaling \$34,627.20. This item was approved under the consent agenda.

[10B1. Consider a resolution authorizing the Mayor to execute an Agreement for Architectural/Engineering Design Services for the Intermodal Transit and Parking Facility with Barnes, Gromatzky, Kosarek Architects.](#) Tom Word, Chief of Public Works made the staff presentation.

MOTION: Councilmember Whitfield moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
Nays:	None
Absent:	None

ACTION: The motion carried unanimously.

10C1. Consider a resolution authorizing the Mayor to execute a Specialized Service Agreement with the Texas Department of Information Resources to upgrade AT&T fiber optic internet.

Heath Douglas, IT Infrastructure Manager made the staff presentation.

MOTION: Councilmember Whitfield moved to approve the resolution. Councilmember

Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[10C2. Consider a resolution supporting the investigation and evaluation of the feasibility of establishing the Texas Center for Translational Medicine in the City.](#) Jim Nuse, City Manager, made the staff presentation.

MOTION: Councilmember Moman moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[10D1. Consider a resolution authorizing the Brushy Creek Regional Utility \(BCRUA\) to execute a contract with S.J. Louis Construction of Texas Ltd. for the construction of the BCRUA Raw Water Pipeline, Phase 1 - Contract 1.](#) Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember White moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[10D2. Consider a resolution authorizing the Mayor to execute an Automatic Meter Reading System Agreement with Master Meter, Inc.](#) Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-tem Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[10E1. Consider a resolution authorizing the Mayor to execute an agreement with Brazos Technology to purchase an automated handheld citation entry system \(eTicket\).](#) Captain Willie Richards with the Round Rock Police Department made the staff presentation.

MOTION: Councilmember Whitfield moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford
 Mayor McGraw
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

[10E2. Consider a resolution authorizing the Mayor to execute a software license agreement with Brazos Technology for automated mobile handheld citation entry system \(eTicket\).](#) Captain Willie Richards with the Round Rock Police Department made the staff presentation earlier in the meeting with item 10E1.

MOTION: Mayor Pro-tem Clifford moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Councilmember White
 Councilmember Salinas
 Councilmember Moman
 Councilmember Whitfield
 Mayor Pro-tem Clifford

Mayor McGraw
Nays: None
Absent: None

ACTION: The motion carried unanimously.

[10E3. Consider a resolution authorizing the Mayor to execute a software maintenance agreement with Brazos Technology for automated mobile handheld citation entry system \(eTicket\).](#)

Captain Willie Richards with the Round Rock Police Department made the staff presentation earlier in the meeting with item 10E1.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-tem Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember White
Councilmember Salinas
Councilmember Moman
Councilmember Whitfield
Mayor Pro-tem Clifford
Mayor McGraw
Nays: None
Absent: None

ACTION: The motion carried unanimously.

APPOINTMENTS:

[11A. Consider an appointment to the Planning and Zoning Commission to fill an unexpired term.](#)

The following is a poll of the City Council:

Anne Heiligenstein	0 Votes
Frank Del Castillo	0 Votes
Sarah T. Page	0 Votes
Larry Yawn	7 Votes Appointed

[11B. Consider an appointment of the City Council’s representative to the Round Rock Chamber of Commerce.](#)

MOTION: Councilmember Honeycutt moved to appoint Councilmember Kris Whitfield. Mayor Pro-tem Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember White
Councilmember Salinas
Councilmember Moman
Councilmember Whitfield
Mayor Pro-tem Clifford
Mayor McGraw
Nays: None
Absent: None

ACTION: The motion carried unanimously.

[COUNCIL COMMENTS](#)

EXECUTIVE SESSION:

[13A. Consider Executive Session as authorized by §551.072, Government Code, related to the purchase of certain property interests from KBS Industrial Portfolio, LLC for construction of the N. Mays Project.](#)

The Council recessed to the Executive Chamber for the Executive Session. Mayor McGraw called the Executive Session to order at 8:35 p.m. and adjourned at 8:40 p.m.

ACTION RELATIVE TO EXECUTIVE SESSION:

[14A. Consider a resolution authorizing the Mayor to execute a real estate contract with KBS Industrial Portfolio, LLC for the purchase of certain property interests for construction of the N. Mays Project.](#)

MOTION: Councilmember Whitfield moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

[ADJOURNMENT](#)

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Sara L. White, City Secretary